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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,610	01/12/2006	Hans Josef Van Els	23313	2253
535 7590 03/17/2008 K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER	
			MANOHIRAN, VIRGINIA	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			03/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,610	<b>Applicant(s)</b> VAN ELS, HANS JOSEF
	<b>Examiner</b> Virginia Manoharan	<b>Art Unit</b> 1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 31 October 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s)       is/are withdrawn from consideration.
- 5) Claim(s)       is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s)       is/are objected to.
- 8) Claim(s)       are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on       is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No.      .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SE/08)
- Paper No(s)/Mail Date 5/25/2005, 10/31/2000
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date.
- 5) Notice of Informal Patent Application
- 6) Other:

**DETAILED ACTION**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. The abstract in the PCT does not suffice.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "5" and "9" have both been used to designate heat exchanger at page 3, line 13, and page 4, line 8 respectively. [Applicant should further check that different numbers do not refer to the same part; and vice versa, i.e., different parts are not being referred to by the same number].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). The term "characterized in that", recited in claims 7-8 is not a recitation of positive, structural element of an apparatus.

b). The apparatus claims, as recited, are narrative in forms. They are recited in terms more of process and/or functional language(s), rather to specific structural limitations to which the claims are directed. Reciting the claims more in a "means for" language(s) obviates this rejection since it is authorized by 35 USC 6<sup>th</sup> paragraph.

c). The term "high" as in "high temperature" in claim 9 is a relative term which renders the claim indefinite. The term "high" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. [The temperature should be specified in the claims, however must be supported in the original specification].

Claim 6 is objected to because "whilst" should be—while—as the latter is the term normally used in the U.S.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberger et al (5,582,690) in view of Markopulos (6,165,326) or Corniel (6,027,607).

Weinberger et al discloses substantially the apparatus and method for desalinating salt-containing water having several layers of water lying one above another with each layer of water having a higher salt content than a layer present there above and to be heated by solar energy as claimed. See Fig. 1. The apparatus and method of Weinberger differs from the claimed invention in that claim 6, for example, recites a heat exchanger disposed in the lowermost layer of water. However, Markopulos suggests a method and an apparatus wherein a tank (11) (corresponding to the claimed basin) is filled with seawater and a heat exchanger (6) is disposed in the lowermost layer of water; and wherein a means (4) for supplying the water to be desalinated are connected to an inlet of the heat exchanger. See Figs. 3 and 5; and see further col. 3, lines 20-22. In this regards, note also col. 4, lines 10-17 of the Corniel reference describing basically similar means and method as above. To incorporate the means and method of Markopulos or Corniel to the apparatus and method of Weinberger would have been obvious to one of ordinary skill in the art so as to obtain the predictable result of accelerating the evaporation process, noting, e.g., col. 2, lines 43-49 of the Corniel's reference.

Claim, 12 and 13 are obvious in view of Maropoulos' disclosure at col. 5, lines 12-20 with the second heat exchanger 17.

Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Battah and La Rocca both disclose a solar desalination of water by distillation.
- b). Mortenson discloses a packed column distillation apparatus with lasers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Calderola can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Virginia Manoharan/

Primary Examiner, Art Unit 1797